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Paper No. 11

MORGAN & FINNEGAN, L.L.P.
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NEW YORK NY 10154-0053

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AUG 07 2002

OFFICE OF PETITIONS

In re Application of :
Keith, Little, Van Eerdewegh, :
Dupuis, Del Mastro, Simon, Allen, : DECISION ACCORDING STATUS
and Pandit : UNDER 37 CFR 1.47(a)
Application No. 09/834,597 :
Filed: 13 April, 2001 :
Attorney Docket No. 2976-4039US1 :
:

This is in response to the renewed petition filed under 37 CFR 1.47(a)¹ on 23 July, 2002.

The petition is GRANTED.

Petitioners have shown that the non-signing inventor, Sunil Pandit, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established, via the declaration of registered patent agent Caryn DeHoratius, that a copy of the above-identified application was sent via Federal Express to the non-signing inventor's last known address on two occasions, but that the non-signing inventor oral refused, during a telephone, to review the application papers and sign the declaration naming him as a joint inventor along with Tim Keith, Randall Little, Paul Van Eerdewegh, Josee Dupuis, Richard Del Mastro, Jason Simon, and Kristina Allen, unless he was paid to do so.

¹A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

As the petition fee was not previously paid, the fee of \$130.00 will be charged to counsel's deposit account, No. 13-4500, as authorized in the present request for reconsideration.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Sunil Pandit, Ph.D.
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Gaithersburg, MD 20878-3028

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AUG 07 2002

OFFICE OF PETITIONS

In re Application of
Keith et al.
Application No. 09/834,597
Filed: 13 April, 2001
For: NOVEL HUMAN GENE RELATING TO RESPIRATORY DISEASES, OBESITY, AND
INFLAMMATORY BOWEL DISEASE

Dear Dr. Pandit:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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